UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/17/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35,37,39-41 and 44-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35,37,39-41 and 44-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Amendment

Examiner acknowledges applicants amendment of claims 1-3, 5-6, 8-9, 14, 21, 23-24, 28-35, 37, 39, 41 and 44-47 in the Response dated 4/17/2008 as part of the Request for Continued Examination directed to the Non-final Office Action dated 10/17/2007. Claims 1-35, 37, 39-41 and 44-47 are pending in the application and subject to examination as part of this office action.

Examiner acknowledges that applicants arguments in the Response dated 4/17/2008 as part of the Request for Continued Examination directed to the rejection set forth under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) in the Non-final Office Action dated 10/17/2007 are deemed moot in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth below in view of applicants amendments of at least claim 2 that add features and/or limitations that Examiner could not have reasonably anticipated and cause Examiner to consider other prior art references, and in view of applicants arguments.

Examiner acknowledges applicants amendments directed to Examiners objection of claim 37 set forth in the Non-final Office Action dated 10/17/2007, which obviate the objection to the claim. Therefore, Examiner withdraws further objection to the claim.

Examiner acknowledges applicants amendments of claims 32-35 to resolve indefiniteness of the claims, which obviate the rejections under 35 U.S.C. 112, second

paragraph described in the Non-final office action dated 10/17/2007. Therefore,

Examiner withdraws further rejection under 35 U.S.C. 112, second paragraph.

Examiner acknowledges that applicants' amendments of claim 23 cause

Examiner to set forth new grounds of rejection under 35 U.S.C. 101 as described below.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention does

not clearly define a statutory category of invention.

The claim 23 recites "A computer game" including a game display" that is not

clearly an apparatus or article of manufacture or process claim based on applicants

amendments that make the main structural features clearly virtual objects or electronic

data generated by a computer, even though the claim indirectly recites the structure of a

device that is capable of carrying out the particular display function. Thus, reciting "A

computer game" does not affirmatively nor clearly recite an apparatus or article of

manufacture or process claim because one having ordinary skill in the art would not

have been able to clearly realize that the structure recited indicates that the claims are

directed to an apparatus nor that the structure recited indicates that claims are directed

to performing the recited function so as to be an article of manufacture or process.

Claim Rejections - 35 USC § 103

Examiner sets forth new grounds of rejection under 35 U.S.C. § 103(a) with

respect to amended as described below because each of the features of applicants

claimed invention as amended continues to be unpatentable or obvious over the prior

art.

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 1-35, 37, 39-41 and 44-47 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shimakawa et al. (US Patent 7,275,987; hereinafter Shimakawa) in

view of DeStefano (US Patent 6,304,259). Features are described by figures with

reference characters where necessary for clarity.

Regarding claim 1, Thompson teaches

a method for managing in a computer game a plurality of virtual items during
computer game play, the method (column 3, lines 29-40 and Fig. 1, 20a-c, 10 and 30,
Shimakawa; plural computers are connected to a server for carrying out the steps of the
acquired virtual items with virtual users in the game) comprises:

indicating to a game player on a computer display during computer game play
the plurality of computer generated virtual objects to be obtained as possessions by a
computer generated representation of the game player from other computer generated
representations, at least a portion of the plurality of virtual objects comprising attributes
(column 3, lines 41-61, column 4, lines 56-61, Fig. 1, 10 and 20 and Fig. 3, 503,
Shimakawa; virtual user characters are indicated on computer display screens via a

server to be using or possessing virtual items having attributes set as car or building or telephone in a virtual world);

collecting the plurality of virtual objects with the computer generated representation of the game player (column 3, lines 33-35 and lines 62-65, Shimakawa; virtual user characters acquire virtual items to be used in the virtual world);

indicating on the computer display as being possessed with the computer generated representation of the game player at least a portion of the collected plurality of virtual objects (column 4, line 62 to column 5, line 2, Shimakawa; virtual user characters are indicated on display screens as using or possessing virtual items in a virtual world);

Further, Shimakawa does not appear to teach filtering plural virtual objects and displaying filtered plural virtual objects as claimed. Therefore, attention is directed to DeStefano, which teaches

filtering in the computer game the collected plurality of virtual objects based on their attributes (column 9, lines 5-32, column 26, lines 43-56, Fig. 3, 40, 42 and 44 and Fig. 16, 420, DeStefano; information elements or virtual objects of the body of knowledge or game inventory are filtered via a lens based on the level identifier or attribute of the information elements, and it would have been obvious at the time of invention to try an implementation in which the filtering occurs for the virtual items disclosed in Shimakawa since the lens causes the filtering of the information elements based on input from the user associated with a particular lens that is associated with the information elements of the body of knowledge); and

displaying on the computer display the filtered collected plurality of objects in the game inventory (column 7, lines 27-35 and column 26, lines 57-65, DeStefano; filtered virtual intersection points or other filtered information elements in the body of knowledge are displayed on a video monitor).

Regarding claim 37, Thompson teaches

an apparatus (column 3, lines 29-40 and Fig. 1, 20a-c, 10 and 30, Shimakawa; plural computers are connected to a server for carrying out the steps of the acquired virtual items with virtual users in the game) comprises:

a game server operative to couple with the plurality of game computers running a computer game, the game server at least partially including an inventory management portion that stores an indication of plural virtual objects to be obtained as possessions in a virtual bag by computer generated representations of a plurality of game players during their play of the computer game, at least a portion of the plurality of virtual objects comprising attributes (column 3, lines 33-35 and lines 41-65, column 4, lines 56-61, Fig. 1, 10 and 20 and Fig. 3, 503, Shimakawa; virtual user characters are indicated on computer display screens via a server to be using or possessing virtual items having attributes set as car or building or telephone in a virtual world or inventory management portion, and virtual user characters acquire virtual items to be used in the virtual world, and it would have been obvious at the time of invention to try an implementation in which the virtual user character places objects in a virtual bag or package since the virtual user character is configured to carry virtual items acquired on their person and because one having ordinary skill in the art would have determined that generating an additional virtual item having an attribute of virtual bag to hold the plural virtual items acquired for carrying by the virtual user character as opposed to carrying the items by hand or appendage would have been an obvious design choice since either carrying feature would have worked equally as well).

Further, Shimakawa does not appear to teach the selecting the inventory filter icon and indicating the virtual item icon as claimed. Therefore, attention is directed to DeStefano, which teaches

the inventory management portion further including a process for providing an inventory filter icon that can be selected by the plurality of game players to filter

attributes of the plurality of virtual objects to yield a selected inventoried package (column 9, lines 5-32, column 26, lines 43-56, Fig. 3, 40, 42 and 44 and Fig. 16, 420, DeStefano; information elements or virtual objects of the body of knowledge or game inventory are filtered via a lens or inventory filter icon based on the level identifier or attribute of the information elements, and it would have been obvious at the time of invention to try an implementation in which the filtering occurs for the virtual items disclosed in Shimakawa since the lens causes the filtering of the information elements based on input from the user associated with a particular lens that is associated with the information elements of the body of knowledge),

the selected inventoried package includes a process for indicating at least one virtual item icon to the game player, each indicated virtual item icon represents at least one of the plurality of virtual objects that includes the attributes filtered as a result of at least one of the game players selecting the inventory filter icon (column 22, lines 24-41, DeStefano; an obscure effect indicates to the user the predetermined location of the information elements in the body of knowledge based on the level identifier or attribute of the information elements that are filtered via the lens selected by the user).

DeStefano suggests that a device and method that improves the representation of a body of knowledge in a computer system in a manner that causes the user to more readily comprehend or understand the body of knowledge will eliminate the difficulty user's have when switching back and forth between virtual content on an online computer (column 1, line 48 to column 2, line 6 and column 2, line 61 to column 3, line 46, DeStefano).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Shimakawa in view of the teachings of DeStefano for the purpose of providing the gaming device of Shimakawa having

virtual object indicating, collecting and possession features with respect to a virtual user character that are interchangeable with or upgradeable to the filtering and displaying features disclosed by DeStefano in order to eliminate user difficulty when switching between virtual content on an online computer by representing the body of knowledge in a way that causes the user to better comprehend the virtual information included in the body of knowledge.

Regarding claim 23, the scope of the claim for the apparatus that employs the method of operating the system would be inherent with respect to claim 37 above in view of the structure disclosed by Shimakawa and DeStefano since the apparatus is employed in the normal and logical manner by which the method could be executed.

Regarding claim 31, the scope of the claim for the article of manufacture implemented to execute the method of operating the system would be inherent with respect to claim 37 above in view of the structure disclosed by Shimakawa and DeStefano since the article of manufacture is the computer readable medium (column 7, lines 14-26, DeStefano) from which the method steps are executed in the normal and logical manner by which the system could be employed.

Regarding claim 39, the virtual objects are obtained as possessions by displaying the computer representations of the game player capturing the virtual objects from computer representations of other game players during the play of the computer game (column 7, line 63 to column 8, line 18; Shimakawa; virtual user characters are

displayed possessing or obtaining virtual items having the attribute of a car such that no other user can possess or obtain the virtual item).

Regarding claim 40, the game display further includes a game screen where game action by the computer representation of the game player is being portrayed (column 5, lines 13-21, Shimakawa; the virtual user character has a movable property such that the character is displayed as moving).

Regarding claim 41, the apparatus searches a plurality of objects for a game, and the apparatus displays only those objects that satisfy search criteria as set forth by the attributes filtered as a result of selecting the inventory filter icon (column 27, lines 37-50, DeStefano; the computer system under the operation of the user searches, via the lens, for information elements located in the body of knowledge using scroll events).

Regarding claim 2, the method further comprises:

indicating to a game player on the computer display during computer game play the computer generated representation of the game player (column 4, lines 26-33, Shimakawa; virtual user characters are displayed to the user on the computer);

indicating on the computer display other computer generated representations as characters in the game (column 4, lines 17-25, Shimakawa; other virtual objects other than the virtual user character are displayed on the computer);

indicating on the computer display the obtaining of the plurality of virtual objects with the computer generated representation of the game player (column 4, line 62 to column 5, line 2, Shimakawa; virtual user characters possess virtual items in the virtual world); and

displaying the computer generated representation of the game player and the other computer generated representation as an animated character (column 5, lines 3-6, Shimakawa; virtual user characters and virtual items are displayed as objects that

move).

Regarding claim 3, the method further comprises:

constructing a first and a second filter, wherein the first or second filter determines virtual objects having a flag type attribute or an enumeration type attribute; and filtering with the first and second filter the obtained plurality of virtual objects based on their attributes (column 18, lines 2-23 and lines 36-43 and column 26, lines 57-65, DeStefano; a filter having an alphanumeric identifier/attribute or another filter having an iconic identifier/attribute are created and associated with lenses that are configured to be supplementary or supplemented lenses, whereby the information elements are filtered by the filters based on a level of abstraction or attribute).

Regarding claim 4, the method further comprises:

constructing the first filter by the game player and constructing the second filter by a game developer (column 18, lines 44-53 and column 21, lines 11-19, DeStefano; a user creates a filter via creation of a lens and an author/developer defining an abstraction scheme in order to implement a filter).

Regarding claim 5, the method further comprises:

selecting by the game player either the first filter or the second filter to obtain the plurality of virtual objects based on their attributes (column 19, lines 16-30, DeStefano).

Regarding claim 6, a plurality of objects included in the inventory are accessed using a plurality of filters, wherein each filter is used to select virtual objects having associated attributes that match different predetermined attributes associated with the filter (column 18, lines 54-66, DeStefano; filtered information elements in the body of knowledge are defined in terms of levels of data types or common attributes).

Regarding claim 7, filtering is executed with one of the plurality of filters, and wherein certain ones of the plurality of filters include a queries that are defined by a

player of the game, and other ones of the plurality of filters include queries that are defined by a game developer (column 23, lines 30-38, DeStefano; the author/developer and the user define abstraction schemes or queries that are used in the implementation of filters).

Regarding claim 8, only those virtual objects that satisfy a query that corresponds to the filter are selected by the filter (column 23, lines 57-63, DeStefano).

Regarding claim 9, the virtual objects are displayed over an inventory management portion of the display (column 21, lines 42-53, DeStefano; control groups or virtual objects are displayed in the dialog box or inventory management portion).

Regarding claim 10, the query includes a structured query language (SQL) query (column 16, line 58 to column 17, line 9, DeStefano; it would have been obvious at the time of invention to try an implementation in which SQL queries are integrated with HTML since HTML requires that users be capable of defining a data in a database in order to allow users to move around the web).

Regarding claim 11, there are a plurality of filters, and each filter is indicated by a distinct inventory filter icon (column 22, lines 24-41, DeStefano; filtering based on obscure focus effect is indicated or represented by icons).

Regarding claim 12, selecting a virtual item icon to display the virtual item corresponding to the virtual item icon is disclosed (column 22, lines 42-48, DeStefano).

Regarding claim 13, the filter is displayed as a portion of a user interface, further comprising the player at least partially defining the filter (column 21, lines 61-67, DeStefano).

Regarding claim 14, displaying virtual objects that include attributes that match predetermined attributes queried by a selected filter is disclosed (column 22, lines 6-13, DeStefano).

Regarding claim 15, a mouse is used to select the filter (column 14, lines 57-67).

Regarding claim 16, a joystick is used to select the filter (column 7, lines 36-45, DeStefano).

Regarding claim 17, a computer display button is used to select the filter (column 14, lines 57-67).

Regarding claim 18, a computer display menu is used to select the filter (column 14, lines 57-67).

Regarding claim 19, the filter is represented by a name (column 22, lines 14-23, DeStefano; it would have been obvious at the time of invention to try an implementation in which highlighted filtering represented by text is associated with a name since one having ordinary skill in the art would have known to utilize names described by text to label information elements or virtual items in order to separate the information elements).

Regarding claim 20, the filter is represented by a symbol (column 22, lines 14-23, DeStefano; it would have been obvious at the time of invention to try an implementation in which highlighted filtering represented by colors is associated with a symbol since one having ordinary skill in the art would have known to utilize symbols described by colors to label information elements or virtual items in order to separate the information elements).

Regarding claim 21, the virtual objects are indicated as being possessed using a virtual bag displayed on the computer display, wherein the filtering is executed using a filter, and wherein an indication of the filter is displayed as part of the computer display displaying the bag (column 21, lines 42-53 and column 21, line 61 to column 22, line 5, DeStefano).

Regarding claim 22, enabling the first filter to filter a first virtual item; and altering the attribute of the first virtual item to enable the second filter to filter the virtual item and to disable the first filter from filtering the first virtual item is disclosed (column 22, line 60 to column 23, line 6, DeStefano; different filters filter particular information elements).

Regarding claim 44, indicating on the computer display during play of the game the computer representation of the game player using one of the filtered obtained plurality of objects is disclosed (column 18, lines 36-43, DeStefano; it would have been obvious at the time of invention to try an implementation in which the virtual user character disclosed in Shimakawa uses a filtered information element or virtual item since the information elements are associated with the body of knowledge in the same manner virtual items are associated with the virtual world relative to user interaction).

Regarding claim 45, exchanging one of the filtered objects with other game players for value (column 19, lines 31-54, DeStefano; it would have been obvious at the time of invention to try an implementation in which filtered information elements or virtual items are exchanged between virtual user characters as disclosed in Shimakawa since the information elements are associated with the body of knowledge in the same manner virtual items are associated with the virtual world relative to user interaction).

Regarding claim 46, the scope of the claim for the method of operating the system would be inherent with respect to claim 39 above in view of the structure

disclosed by DeStefano since the method is the normal and logical manner by which the system could be employed.

Regarding claim 47, filtering comprises querying the attributes selected from a group of queries comprising: determining virtual objects that are to be sold and/or bartered, determining virtual objects that are weapons against monsters, and determining virtual objects that are constructed of a particular material (column 37, line 65 to column 38, line 22, DeStefano; filtered information elements are created based on author material).

Regarding claim 24, dragging one of the virtual item icon associated with one of the virtual objects to a different location on the game display with an input device alters the attributes of that virtual item (column 35, lines 4-15, DeStefano; the viewpoint for the abstraction is altered by dragging a information element or compass handle).

Regarding claim 25, the game player defines the inventory filter icon (column 23, lines 30-45, DeStefano).

Regarding claim 26, a game developer defines the inventory filter icon (column 23, lines 30-45, DeStefano).

Regarding claims 27, the scope of the claim for the apparatus that employs the method of operating the system would be inherent with respect to claim 40, respectively, above in view of the structure disclosed by Shimakawa since the apparatus is employed in the normal and logical manner by which the method could be executed.

Regarding claims 28, the scope of the claim for the apparatus that employs the method of operating the system would be inherent with respect to claim 41, respectively, above in view of the structure disclosed by DeStefano since the apparatus is employed in the normal and logical manner by which the method could be executed.

Regarding claim 29, the game player provides attributes and selects objects based on the criteria using a user interface (column 21, line 61 to column 22, line 5, DeStefano).

Regarding claim 30, the computer game highlights the attributes of certain desirable virtual objects to a player (column 22, lines 14-23, DeStefano).

Regarding claims 32-35, the scope of the claims for the article of manufacture implemented to execute the method of operating the system would be inherent with respect to claims 4, 25-26 and 5, respectively, above in view of the structure disclosed by DeStefano since the article of manufacture is the computer readable medium (column 7, lines 14-26, DeStefano) from which the method steps are executed in the normal and logical manner by which the system could be employed.

Response to Arguments

Applicants arguments filed in the Response dated 4/17/2008 as part of the Request for Continued Examination directed to the Examiners' rejection under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) have been considered fully and are moot in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth above in view of applicants amendments and in view of applicants arguments thereof.

Examiner has provided the above new grounds of rejection of the claims under

35 U.S.C. 103(a) because each of the features of applicants claimed invention

continues to be anticipated by or unpatentable or obvious over the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

B US-6,873,336 B1, Sailus et al.

C US-6,308,187 B1, DeStefano

D US-5,838,317, Bolnick et al.

E US-7,254,785 B2, Reed

F US-2004/0002380 A1, Brosnan et al.

G US-5,566,295, Cypher et al.

H US-5,710,894, Maulsby et al.

I US-6,268,864 B1, Chen et al.

J US-6,278,466 B1, Chen.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ARTHUR O. HALL whose telephone number is

(571)270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00

pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. O. H./
Examiner, Art Unit 3714

/Scott E. Jones/
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